



# STATE OF MINNESOTA

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July 12, 2018

The Honorable Hildy Bowbeer  
United States District Court  
632 Warren E. Burger Federal Courthouse  
316 North Robert Street  
St. Paul, MN 55101

Re: *Fredin v. Clysdale, et al.*,  
Case No. 18-cv-510 (SRN/HB)

Dear Judge Bowbeer:

This letter is submitted on behalf of Defendant Referee Elizabeth Clysdale and in response to the Court's request for a letter response to Plaintiff's July 5, 2018 letter (Doc. 89).

Defendant Clysdale joins the arguments set forth in Defendant McCabe's July 11, 2018 letter (Doc. 96). As set forth in that correspondence, Plaintiff's filings did not comply with Fed. R. Civ. P. 15(a)(2), Local Rule 15.1, and this Court's directive of June 6, 2018 (Doc. 79). To the extent Plaintiff complains that the undersigned was not available to meet and confer on June 15, 2018, Defendant Clysdale notes that her Memorandum in Opposition to Plaintiff's Motion for Leave to File Second Amended Complaint (Doc. 83), did not seek rejection of Plaintiff's motion on that basis.<sup>1</sup> The opposition instead rested on other grounds. *Id.*

Defendant Clysdale also opposes Plaintiff's request to further amend or supplement pleadings as untimely and futile. Fed. R. Civ. P. 15(a)(2). Plaintiff does not allege that Defendant Clysdale was involved in any of the new factual developments, and his serial efforts to amend the complaint prejudices Defendant Clysdale's ability to obtain a timely adjudication

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<sup>1</sup> Plaintiff refers to a "meet and confer" in May. While all parties participated in a call at that time, Plaintiff had not completed drafting his proposed amendments. Defendants requested he do so to allow a proper meet and confer.

As to Plaintiff's requested June 15, 2018 meet and confer, Plaintiff circulated a nearly 200-page redline complaint that day which purported to add new claims and new state defendants. As was indicated to Plaintiff, the undersigned counsel was not in a position to provide a meaningful meet and confer on behalf of all of the current and putative state defendants that same day. Plaintiff did not respond or request any additional meeting.

Plaintiff later clarified that the June 15, 2018 redline draft was circulated and filed by mistake and that he did not intend to assert claims against any additional state employees. (Doc. 89 at 8 ("Plaintiff has not added new defendants").)

The Honorable Hildy Bowbeer  
July 12, 2018  
Page 2

of her pending dispositive motion. Furthermore, while Plaintiff's correspondence refers to "state defendants" generally, no other state employees are named as defendants in this matter. In any event, any attempt to add claims against either Defendant Clysdale or any other judicial defendants based on state court adjudications would be futile for the same reasons set forth in Defendant Clysdale's Memorandum in Support of Motion to Dismiss (Doc. 40), Reply Memorandum (Doc. 75), and Opposition to Plaintiff's Motion For Leave to File Second Amended Complaint. (Doc. 83).

Sincerely,

s/ Alethea M. Huyser

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